

**AMENDMENTS TO THE DRAWINGS**

Please amend the figures as shown in the enclosed replacement sheets. The changes include the addition of the designation "Prior Art" to Figures 25-29, as requested by the Examiner. No new matter is added in the replacement drawings. The replacement drawings are formal.

**REMARKS**

Please reconsider the application in view of the following remarks. Applicant thanks the Examiner for carefully considering this application. As suggested by the Examiner in the Office Action dated on September 6, 2006, Applicant submits certified translations of JP Patent Application No. JP 2001-201532 and PCT Application No. PCT/JP/05924 by way of this reply. Accordingly, Applicant respectfully requests that the Examiner acknowledge Applicant's claim for priority.

**Disposition of Claims**

Claims 1-29 are pending in this application. Claims 1, 15, 26 and 28 are independent. The remaining claims depend, directly or indirectly, from claim 1, 15, 26 or 28.

**Claim Amendments**

Independent claims 26 and 28 have been amended by way of this reply to include the limitation, "an outputting step of outputting said judging quality of said semiconductor device." No new matter has been added by way of these amendment, as support for these amendments may be found, for example, in Figures 1, 9, 15 and 17 and in paragraphs [0083]-[0085], [0116]-[0127], [0137]-[0138] and [0141]-[0144] of the publication of the Specification. Further, claim 15 has been amended by way of this reply to correct minor errors.

**Objections to the Drawings**

The Examiner has objected to the drawings. Specifically, the Examiner alleges that Figures 25-29 should be designated by a legend such as "Prior Art" because only what is old is illustrated. Applicant has labeled Figures 25-29 as "Prior Art," and Applicant has submitted replacement sheets for these drawings with this Amendment. Accordingly, withdrawal of this objection is respectfully requested.

#### **Claim Rejections under 35 U.S.C. § 101**

Claims 26-29 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Particularly, the Examiner alleges that claims 26-29 do not produce any tangible results (*see* Office Action dated September 6, 2006, at page 4). The Examiner also alleges that, for the result to be tangible, it would need to be output to a user or displayed to a user or stored for later use (*Id.*). Amendment independent claims 26 and 28 have been amended by way of this reply as described above. In view of the amendment, claims 26 and 28 now explicitly include the limitation, "an outputting step of outputting said judging quality of the semiconductor device." Thus, claims 26 and 28, as amended, produces tangible results and are now directed to statutory subject matter. Claims 27 and 29, directly dependent from amended independent claim 26 or 28, are also directed to statutory subject matter for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

#### **Rejection under 35 U.S.C. § 102**

The Examiner has rejected claims 1-7, 13-15, 17-18, 20-22, 26 and 28 under 35 U.S.C. § 102(a) as being anticipated by JP Patent Publication No. JP 2001-201532 to Miura (hereinafter "Miura"). Applicant respectfully submits that Miura is not prior art under 35 U.S.C. § 102 (a).

Applicant submits a certified translation of the priority documents of the present application in this reply to perfect priority, as suggested by the Examiner. Accordingly, Applicant respectfully submits that Miura is not prior art under § 102 (a) because the foreign priority date of the present application (June 13, 2001) antedates the 35 U.S.C. § 102 (a) date of Miura (July 27, 2001). Applicant has met the foreign priority requirements under 37 CFR § 1.55 (a) and MPEP § 201.15. Thus, Applicant respectfully submits that because the cited reference's § 102 (a) date is after the foreign priority date of the subject application, it is not prior art under 35 U.S.C. § 102 (a), and the rejection should be withdrawn.

Thus, Applicant respectfully submits that claims 1-7, 13-15, 17-18, 20-22, 26 and 28 are allowable because the cited reference is not prior art under § 102 (a).

### **Claim Rejections under 35 U.S.C. §103**

Claims 9-12, 23-25, 27 and 29 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Miura in view of JP Patent Publication No. JP 2000-162290 to Shimooka (hereinafter "Shimooka"). Because claims 9-12, 23-25, 27 and 29, directly or indirectly, depend upon independent claim 1, 15, 26 or 28, because Miura is not proper prior art to the present application as discussed above with respect to independent claims 1, 15, 26 and 28, and because Shimooka admitted fails to teach or suggest the claimed invention by itself, Applicant respectfully submits that claims 9-12, 23-25, 27 and 29 are patentable at least by virtue of their

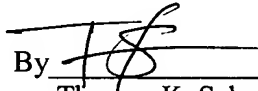
dependency from independent claim 1, 15, 26 or 28. Therefore, withdrawal of this rejection is respectfully requested.

**Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 02008/135001).

Dated: December 5, 2006

Respectfully submitted,

By   
Thomas K. Scherer  
Registration No.: 45,079  
OSHA · LIANG LLP  
1221 McKinney St., Suite 2800  
Houston, Texas 77010  
(713) 228-8600  
(713) 228-8778 (Fax)  
Attorney for Applicant

Attachments